

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

MARGARITA TRIBBLE,)	
)	
Plaintiff,)	
vs.)	2:11-cv-102-JMS-TAB
)	
BONNELL MANUFACTURING CO.,)	
)	
Defendant.)	

Entry Transferring Action to Northern District of Indiana

The nature of this action is indisputably one of employment discrimination brought pursuant to Title VII of the Civil Rights Act of 1964, *as amended*, 42 U.S.C. § 2000e-5. The venue for such an action is governed by statute, 42 U.S.C. § 2000e-5(f)(3). Pursuant to this statute, venue lies in the judicial district where (1) the unlawful employment practice took place; (2) the employment records relevant to such practice are maintained; or (3) the aggrieved person would have worked but for the alleged unlawful practice. 42 § U.S.C. 2000e-5(f)(3).

The defendant's motion to dismiss or transfer venue establishes that plaintiff Tribble was formerly employed by the defendant at its manufacturing facility in Kentland, Indiana, located in Newton County. The alleged acts of discrimination occurred at the Kentland plant. All employment-related records are maintained at the Kentland, Indiana facility. Newton County is located in the Northern District of Indiana. Although the plaintiff resides in the Southern District of Indiana, proper venue for this action is not determined on that basis.

Pursuant to 42 § U.S.C. 2000e-5(f)(3), the proper venue for this action is the Northern District of Indiana. When venue is improper, the district court has the discretion to either dismiss the case or transfer it "in the interest of justice." 28 U.S.C. § 1406(a). The case shall be transferred to the District with proper venue. The defendant's motion to dismiss or transfer [4] is **granted** to the extent consistent with this Entry. The plaintiff's motion to dismiss affidavit [12] is treated as part of her opposition to the defendant's motion to dismiss or transfer, and as so treated, the plaintiff's motion [12] is **overruled**.

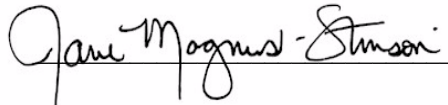
THEREFORE, and without ruling on the plaintiff's request to proceed *in forma pauperis* [2- "financial affidavit"], **IT IS ORDERED THAT THE ABOVE ACTION IS TRANSFERRED** to the United States District Court for the Northern District of Indiana at Hammond, Indiana.

Date: 05/12/2011

Distribution:

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Margarita Tribble
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A handwritten signature in black ink, reading "Jane Magnus-Stinson". The signature is written in a cursive, flowing style. The first name "Jane" is written with a large, open "J". The last name "Stinson" is written with a large, open "S". The signature is written over a horizontal line.

Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana